

REMARKS

Claims 1-6, 8-12, 14-18, 20-32 and 34-101 are pending in this application. In the Office Action dated April 8, 2004, the Examiner took the following action: (1) withdrew the indicated allowability of claims 28-31 and 36-38 based on newly discovered references; (2) rejected claims 28-31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,108,688 to Nielsen; (3) rejected claims 36 and 38 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,453,341 to Miloslavsky; (4) rejected claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Miloslavsky; (5) rejected claims 79-86 under 35 U.S.C. § 112 for insufficient antecedent basis; (6) rejected claims 75-86 under 35 U.S.C. § 112, second paragraph, for omitting essential steps; (7) rejected claim 73 under 35 U.S.C. § 112, second paragraph, as failing to distinctly claim and point out the subject matter; (8) objected to claims 99-101 for informalities; and (9) allowed claims 1-6, 8-12, 14-18, 20-27, 32, 34-35, 39-72, 74 and 87-98.

Applicant thanks Examiner Bullock for his careful examination and for indicating allowable subject matter. The Examiner indicated that the allowable subject matter is the elements of “determining whether after sending of the message a user-specified period of time has elapsed without receiving a confirmation of delivery and/or review by each recipient; and when it is determine that the user-specified period of time has elapsed without receiving the confirmation, automatically resending the electronic message or automatically sending another electronic message.” These elements were recited in one form or another, in each of base claims 1, 6, 15, 45, 52, 63, 75, 87 and 99. The elements were absent from base claims 28 and 36, which were rejected on prior art grounds.

Applicant submits, that the present amendment to base claims 28 and 36 also conforms with the Examiner’s indication of allowable subject matter by also reciting the indicated patentable elements in pertinent form in these claims as well. Accordingly, base claims 28 and 36 are also in condition for allowance. Examiner Bullock is requested to contact the undersigned attorney by telephone if the Examiner disagrees with the allowability of these amend claims or if any informalities remain to be addressed.

The amendments to the claims also address the rejections under section 112, second paragraph and objections to the claims: More specifically, base claim 75 has been amended to provide antecedent basis for "another message" recited in dependent claims 79-86. This amendment to base claim 79 also addresses the "omitted step" ground of rejection under section 112 of claims 75-86 by making it clear that there is an initial electronic message, "another" (second) electronic message, followed by a third electronic message. Claim 85 has been canceled as being redundant with amended base claim 75. Conversely, base claim 63 has been amended to delete the reference to a third message, which is recited as dependent element in claim 73. Claim 99 has been amended to reverse the occurrences of the first and second "when" clauses that were objected to by the Examiner. Other informal amendments to the dependent claims have been made to provide consistency with the recited form of the base claims or to further clarify the invention. None of these amendments adds any new subject matter nor alters the original scope of the subject matter deemed allowable by the Examiner.

Accordingly, all of the claims remaining in the application are now clearly allowable. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,
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